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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,293	12/23/2003	Richard J. Piscioti	21978.00	7856

7590 04/19/2005

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EXAMINER

HAN, JASON

ART UNIT PAPER NUMBER

2875

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/743,293	Applicant(s) PISCIOTTI, RICHARD J.	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/23/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 8-9 are objected to because of the following informalities: Misspelling – “cross bar” is one word, as cited in the preceding claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, and 7 rejected under 35 U.S.C. 102(e) as being anticipated by Pratt (U.S. Patent 6409367).
3. With regards to Claim 1, Pratt discloses a lighting system for a trailer hitch including:
  - A crossbar having first [Figure 1: (24)] and second [Figure 1: (25)] ends and a longitudinal center [Figure 1: (21)];
  - A mounting bar [Figure 1: (19)] perpendicularly attached to the longitudinal center of the crossbar;
  - A lamp assembly [Figure 1: (28, 29)] disposed on each of said first and second ends of the crossbar; and

- A wiring harness in electrical communication with each of the lamp assemblies [Column 5, Lines 40-51].
4. With regards to Claim 2, Pratt discloses an accessory mounting post [Figure 1: (20)] attached to the mounting bar, whereby the post extends perpendicularly to a plane in which the crossbar and the mounting bar are disposed.
  5. With regards to Claim 3, Pratt discloses a lighting and safety accessory [Figure 1: (15)] disposed on the accessory mounting post.
  6. With regards to Claim 5, Pratt discloses a strobe support post [Figure 1: (16)] having lower and upper ends, whereby the lower end of the strobe support post being removably mounted to the accessory mounting post [Column 4, Lines 40-42]; and a strobe light [Figure 1: (15); Column 4, Lines 32-34] disposed on the upper end of the strobe support post.
  7. With regards to Claim 7, Pratt discloses the lamp assembly further including a mounting bracket [Figure 1: (24, 25)], and a lamp [Figure 1: (28, 29)] pivotally mounted to the mounting bracket such that the lamp may be redirected [Column 5, Lines 16-39].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pratt (U.S. Patent 6409367) as applied to Claim 2 above, and further in view of Dollesin (U.S. Patent 6260752).

Pratt discloses the claimed invention as cited above. In addition, Pratt teaches a lighting assembly post [Figure 1: (16)] having lower and upper ends, whereby the lower end of the lighting accessory post is removably mounted to the mounting post and the upper end has a lamp assembly [Figure 1: (15)]. However, Pratt does not specifically teach an accessory crossbar having first and second ends and a longitudinal center, whereby the accessory crossbar being perpendicularly disposed on the upper end of the light accessory post, and a lamp assembly disposed on each of said first and second ends of the accessory crossbar.

Dollesin teaches an elevated crossbar [Figure 1: (21)] including first and second ends each having a lamp assembly [Figure 1; (20)].

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the trailer hitch lighting system of Pratt to incorporate the elevated crossbar with lamp assemblies of Dollesin in order to provide a conspicuous and relatively high illumination that is not obstructed by trailing objects disposed on the hitch.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pratt (U.S. Patent 6409367) as applied to Claim 1 above, and further in view of Gamble, Sr. (U.S. Patent 6302567).

Pratt discloses the claimed invention as cited above, but does not specifically teach the trailer hitch incorporating a tow hook attached to the mounting bar.

Gamble teaches a hook [Figure 1: (60)] attached to a mounting bar of a trailer hitch.

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the trailer hitch lighting system of Pratt to incorporate the tow hook of Gamble to assist in applying an extricating force if the vehicle to which the lamp assembly is attached should become stuck.

10. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pratt (U.S. Patent 6409367) as applied to Claim 1 above, and further in view of Gold (U.S. Patent 5683165).

Pratt discloses the claimed invention as cited above, but does not specifically teach at least one reflector disposed on the crossbar (re: Claim 8), nor the at least one reflector consisting of a single strip of reflective tape extending substantially between the ends of the crossbar (re: Claim 9).

Gold teaches reflective tape [Figure 2: (32, 34)] attached to a rear of a vehicle.

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the trailer hitch lighting system of Pratt to incorporate the reflective tape of Gold substantially between the ends of the crossbar in order to present conspicuous and effective response to light from headlights of approaching traffic impinging thereon, and thus providing a safer environment.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art pertinent to the current application, but are not considered exhaustive:

US Patent 3487359 to McClintock;

US Patent 3796333 to Goldstein;

US Patent 3887093 to Howell;

US Patent 4613847 to Scolari et al;

US Patent 4800471 to Lippert;

US Patent 4922223 to Prevot;

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

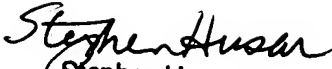
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JMH (4/7/2005)

  
Stephen Husar  
Primary Examiner